

In Congress, May 2, 1780

IN CONGRESS, MAY 2, 1780.

INSTRUCTIONS TO THE CAPTAINS AND COMMANDERS OF PRIVATE ARMED VESSELS Which shall have **COMMISSIONS** or **LETTERS** of **MARQUE** and **REPRISAL**.

I. YOU may by force of arms attack, subdue, and take all ships and other vessels belonging to the crown of Great Britain, or any of the subjects thereof, on the high seas, or between high and low water marks: (except the ships or vessels, together with their cargoes, belonging to any inhabitant or inhabitants of Bermuda, and such other ships and vessels bringing persons with intent to settle and reside within the United States; which you shall suffer to pass unmolested, the commanders thereof permitting a peaceable search, and giving satisfactory information of the contents of the ladings and destination of the voyages *). And you may also annoy the enemy, by all means in your power, by land as well as by water; taking care not to infringe or violate the laws of nations or the laws of neutrality.

**This exception is taken away by an ordinance of Congress, of March the 27th, 1781, which see.*

II. You are to pay a sacred regard to the rights of neutral powers, and the usage and custom of civilized nations; and, on no pretence whatever, presume to take or seize any ships or vessels belonging to the subjects of princes or powers in alliance with these United States; except they are employed in carrying contraband goods or soldiers to our enemies; and in such case, you are to conform to the stipulations contained in the treaties, subsisting between such princes or powers and these States. And you are not to capture, seize, or plunder any ships or vessels of our enemies, being under the protection of neutral coasts, nations, or princes, under the pains and penalties expressed in a proclamation, issued by Congress, the ninth day of May, Anno Domini, 1778.

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III. You shall bring such ships and vessels as you shall take, with their guns, rigging, tackle, apparel, furniture, and ladings, to some convenient port or ports; that proceedings may thereupon be had, in due form of law, concerning such captures.

IV. You shall send the master of pilot, and one or more principal person or persons of the company of every ship or vessel by you taken, in such ship or vessel, as soon after the capture as may be, to be, by the judge or judges of such court as aforesaid, examined upon oath, and make answer to such interrogatories as may be propounded, touching the interest or property of the ship or vessel and her lading. And, at the same time, you shall deliver, or cause to be delivered, to the judge or judges, all passes, sea-briefs, charter-parties, bills of lading, cockets, letters, and other documents and writings found on board: proving the said papers by the affidavit of yourself, or of some other person present at the capture; to be produced as they were received, without fraud, addition, subduction, or embezzlement.

V. You shall keep and preserve every ship or vessel and cargo by you taken, until they shall, by sentence of a court properly authorized, be adjudged lawful prize, or acquitted: not selling, spoiling, wasting, or diminishing the same, or breaking the bulk thereof; nor suffering any such thing to be done.

VI. If you, or any of your officers or crew, shall, in cold blood, kill or maim,---or, by torture or otherwise, cruelly, inhumanly, and contrary to common usage and the practice of civilized nations in war, treat any person or persons surprised in the ship or vessel you shall take,---the offender shall be severely punished.

VII. You shall, by all convenient opportunities, send to the Board of Admiralty, written accounts of the captures you shall make, with the number and names of the captives, and intelligence of what may occur, or be discovered, concerning the designs of the enemy, and the destinations, motions, and operations of their fleets and armies.

VIII. One third, at least, of your whole company, shall be land-men.

IX. You shall not ransom or discharge any prisoners or captives: but you are to take the utmost care to bring them into port: and if, from any necessity, you shall be obliged to dismiss any prisoners at sea, you shall, on your return from your cruise, make report thereof, on oath, to the judge of the admiralty, of the state to which you belong, or in which you arrive, within twenty days after your arrival, with your reasons for such dismissal. And you are to deliver, at your expense, or at the expense of your owners, the prisoners you shall bring into port, to a commissary of prisoners, nearest the place of their landing, or into the nearest county-jail.

X. You shall observe all such further instructions as Congress shall hereafter give in the premises, when you shall have notice thereof.

XI. If you shall do any thing contrary to these instructions, or to others hereafter to be given, or willingly suffer such thing to be done, you shall not only forfeit your commission, and be liable to an action, for breach of the condition of your bond, but be responsible to the party aggrieved, for damages sustained by such malversation.

Resolved , That the Board of Admiralty be empowered and directed, to cause to be printed, so many copies of said forms, as they shall judge necessary.

Resolved , That the president transmit to the governors or presidents of the respective states, so many copies of said forms, as the Board of Admiralty shall advise; and at the same time inform them, that it is the intention of Congress, that all commissions and instructions now in force, be cancelled as soon as possible; and commissions, bonds, and instructions, of the new form, be substituted in the place thereof.

Extract from the Minutes, CHARLES THOMSON, Secretary.